

GAU 1647 WD  
Box 500

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Boyle et al.

Serial No.: 09/405,032

Filed: September 24, 1999

For: OSTEOPROTEGERIN

Docket No.: A-378CIP2C2



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**ATTORNEY'S STATEMENT PURSUANT TO 37 CFR § 1.821**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Upon the filing of the application, Agent for applicants provided an Attorney Statement Pursuant to 37 CFR 1.821(e) which indicated that the computer readable form in this application, Serial No. 09/405,032, is identical with that filed in Application Serial No. 08/771,777, filed December 20, 1996 (copy attached).

This application is a continuation of 09/132,985 which is a continuation of 08/771,777. For the Examiner's convenience, a copy of the computer readable form (CRF) and paper copy of the Sequence Listing as submitted in Application Serial No. 08/771,777 is included herewith.

I hereby state that the computer readable form (CRF) and paper copy of the Sequence Listing attached hereto and the computer readable form and paper copy of the Sequence Listing in Application No. 08/771,777 are the same and contain no new matter.

Respectfully submitted,

Robert B. Winter  
Attorney/Agent for Applicant(s)  
Registration No.: 34,458  
Phone: (805) 447-2425  
Date: January 11, 2001

Please send all future correspondence to:

U.S. Patent Operations/RBW  
Dept. 4300, M/S 27-4-A  
AMGEN INC.  
One Amgen Center Drive  
Thousand Oaks, California 91320-1799

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.

D. Della  
Date

1/11/01  
Signature

## Notice to Comply

Application No.

09/405,032

Examiner

Regina M. DeBerry

Applicant(s)

BOYLL

Art Unit

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### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

#### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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